

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAVIER PEREZ,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 2401
)	
JENNIFER WITHERSPOON, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

On April 29, 2008 this Court issued a brief memorandum order ("Order I") that (1) initially addressed the obligation of pro se plaintiff Javier Perez ("Perez") to pay the filing fee in this 42 U.S.C. §1983¹ action in future installments pursuant to 28 U.S.C. §1915(b)(1) and (2) then went on to require Perez to address his exhaustion or nonexhaustion of administrative remedies, which Section 1997e(a) makes a precondition to institution of any prisoner's lawsuit such as this one. When the specified due date of May 15 came and went without any response from Perez, this Court issued a May 21 memorandum order ("Order II") that dismissed both the Complaint and this action (a result about which Perez had been warned in Order I.

Just yesterday (June 5) a handwritten request from Perez, to which the envelope in which it had been sent was attached, was delivered to this Court's chambers. For some unexplainable

¹ All further references to Title 42's provisions will simply take the form "Section--."

reason that document had been received in the Clerk's Office of this District Court on May 19, yet it took more than two weeks to be delivered to this Court. Perez there provided not only a reasonable explanation as to why he needed more time to respond but also stated in his paragraph 3 (copied verbatim):

However plaintiff states he has document that prove or show that all admin. Remedies have been fully exhausted on the Plaintiffs Behalf.

Under the circumstances this Court grants Perez further time to provide a showing as to his claimed exhaustion of administrative remedies--not simply until the May 26 date that he originally requested but until two weeks from today, June 20. If Perez provides satisfactory evidence of such exhaustion on or before that date, this Court will promptly vacate Order II on that ground and will turn to Perez' substantive claim to determine whether it should go forward.



Milton I. Shadur
Senior United States District Judge

Date: June 6, 2008